

**TESTIMONY ON
19 H-5352, H-5702, H-5494, H-5503 AND H-5724
BILLS RELATING TO OPEN MEETINGS AND OPEN RECORDS
March 13, 2019**

H-5352. AMEND. This bill would appear to allow school committees to add items to their agendas only if they will not be voted on, a proposition the ACLU does not oppose. However, the new language is made ambiguous with the addition of the words “or otherwise” on Page 2, line 28. If it is the bill’s intent to authorize only the discussion of – and not voting on – matters that are put in the agenda within 48 hours of a meeting, we would urge the deletion of the words “or otherwise”.

H-5702. SUPPORT. This bill would implement some long-overdue reforms to the Open Meetings Act. It has been over twenty years since the OMA was comprehensively reviewed and amended. Much has changed since then, particularly in terms of technology. H-5702 addresses this by providing for the electronic posting of public body minutes and agenda items, and the recording and livestreaming of some meetings. The legislation also tightens up language in the current law in a number of sections. The ACLU supports these changes, and we defer our other comments in support to Common Cause’s more detailed testimony and explanation of the bill. (We note that H-5468, also being heard today, addresses recording of public meetings as well.)

H-5494, H-5503. SUPPORT IN PRINCIPLE; OPPOSE AS WRITTEN. These bills would establish a 20-day deadline for the Attorney General to respond to OMA and APRA complaints. While 20 days is probably too short a time period, and we do not have a position on the exact amount of time the AG should have to respond to complaints, we do support the inclusion of a designated time limit. A deadline is especially important in APRA cases, where a person may be waiting months to get records they should have received within ten business days. In fact, we are aware of complainants who have waited over a year for a response from the AG’s office, and such delays severely undermine the public’s right to know. Delaying access to public records can be just as harmful to transparency as denying the records in the first place. Technically, however, both bills are problematic. H-5494 requires a response within 20 days, but the response could simply be an acknowledgement of receipt of the complaint. H-5503 inadvertently bars the AG from taking legal action on a complaint more than 20 days after a complaint has been filed. Thus, we cannot support either bill as written.

H-5724. SUPPORT IN PRINCIPLE. This bill would require public bodies to waive fees for APRA requests made by legislators in their official capacity. We support this concept in principle, but believe it should be expanded. The law currently allows a court to reduce or waive fees if it determines “that the information requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” R.I.G.L. §38-2-4(e). We believe that *agencies* should be required to abide by this standard as well – whether the request is from a legislator, citizen or organization. This is the model followed by the federal Freedom of Information Act. We urge that it be incorporated here.